

FILED
JAN 30 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARIA CELIA ALCARAZ, et al.,

Petitioners,

vs.

ALBERTO R. GONZALES,

Respondent.

C 06-0189 MJJ(PR)

ORDER OF REMAND

Now before the Court is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioners filed a petition for review of a decision by the Board of Immigration Appeals ("BIA") in the United States Court of Appeals for the Ninth Circuit Court. Petitioners sought review of BIA decision requiring Petitioners' removal from the United States. In an order dated December 21, 2005, the Ninth Circuit found that it lacked jurisdiction over the petition for review because there had been no valid final order of removal.¹ Alcaraz, et al., v. Gonzales, No. 03-70935, slip op. at 1 (9th Cir. Dec. 21, 2005). However, in the interest of justice, the Ninth Circuit deemed the petition for review to be a petition for a writ of habeas corpus and transferred petition to this court with instructions to remand to the case to "the agency for further proceedings." Id. at 1-2 (citing Molina-


¹Specifically, the BIA had issued the order of removal itself without remanding to an Immigration Judge to issue the removal order.

1 Camacho v. Ashcroft, 393 F.3d 937, 942 n.4 (9th Cir. 2004)). Pursuant to the order of the
2 Ninth Circuit, the instant matter is hereby REMANDED to the Bureau of Immigration
3 Appeals for proceedings consistent with said order.

4 The clerk shall close the file and send the file to the Bureau of Immigration Appeals.

5 IT IS SO ORDERED.

6 DATED: 1/30/2008

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8 MARTIN J. JENKINS
United States District Judge